

FILED  
GREAT FALLS DIV.

2009 MAY 28 PM 1 34

PATRICK E. DUFFY, CLERK

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

GREAT FALLS DIVISION

ROGER WILLIAM DAVIS,

Plaintiff,

vs.

WARDEN SAM LAW, et al.,

Defendants.

No. CV-09-45-GF-SEH

**ORDER**

On May 12, 2009, United States Magistrate Judge Keith Strong entered his Findings and Recommendation<sup>1</sup> in this matter. Plaintiff filed objections on May 20, 2009 and May 26, 2009.<sup>2</sup> The Court reviews *de novo* findings and recommendations to which objections are made. 28 U.S.C. § 636(b)(1).

Upon *de novo* review of the record, I find no error in Judge Strong's Findings and Recommendation and adopt them in full.

**ORDERED:**

1. Plaintiff's Complaint<sup>3</sup> is DISMISSED with prejudice for failure to

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<sup>1</sup> Document No. 4

<sup>2</sup> Document Nos. 6 and 7

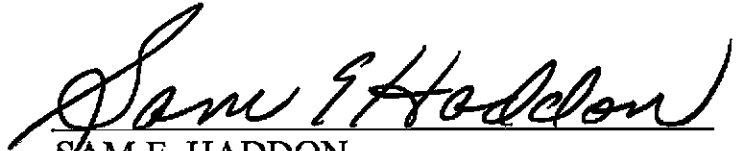
<sup>3</sup> Document No. 1

state a claim upon which relief may be granted.

2. The filing of this action counts as one strike for failure to state a claim. 28 U.S.C. § 1915(g).

3. Any appeal from this disposition will not be taken in good faith as Plaintiff has not alleged a viable claim under the Due Process Clause of the United States Constitution. Fed. R. App. P. 24(a)(3).

DATED this 28<sup>th</sup> day of May, 2009.

  
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SAM E. HADDON  
United States District Judge